

2010 APR 30 PM 3:45

April 30, 2010

Office of General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

MUR #

6284

Dear Counsel:

I write to file a complaint against the respondent — Jeff Denham and the Denham for Congress campaign — for a violation of Federal Election Law under the Commission's jurisdiction. It is clear that he has violated 11 CFR 110.11, specifically the "disclaimers" provision of the law in his "Bumpers" video advertisement broadcast on the internet. The advertisement on the internet is also used on television. Accordingly, Jeff Denham's failure to place a disclaimer at the end of his television advertisement violates the law, and the Commission should penalize Mr. Denham for his willful violation of current statute.

As I understand the law, a disclaimer placed at end of communication transmitted through television or through any broadcast, cable or satellite transmission is meant to let the viewer understand who is responsible for the election advertisement. The "Bumper" video advertisement does not contain the aforementioned disclaimer at the end of advertisement. This is evident from the :40 mark to the end of the video (:42 mark) located at the internet URL: <http://www.youtube.com/watch?v=NaDbPSAyvKU> and at another URL with the "Bumpers" advertisement that has the infraction occurring from the :40 second mark to the end of the video (:42). This second incident of the "Bumpers" video is located at this hyperlink: <http://www.youtube.com/watch?v=4nUorKx-tVM>.

Furthermore, as I interpret the law—a second violation is apparent in the Denham for Congress "Bumper" video advertisement again pertaining to a legal infraction regarding the disclaimer provision. A photographic or similar image of the candidate is not "clearly identifiable" as defined in 11 CFR 110.11. The image of the candidate is not at least eighty (80) percent of the vertical screen height when there is a voice over. The voice over with the image violating the law is at the :13 to :17 mark in the aforementioned video. In my opinion, this is another violation of the law by Jeff Denham and his campaign.

The two exhibits attached to this letter objectively support my arguments. Exhibit A contains examples of violations regarding the "disclaimer" provision—where a disclaimer must be placed at the end of a transmission. The evidence is clearly time-stamped by YouTube.com. The argument against Denham's use of a "clearly identifiable image" referred to in this letter is supported by Exhibit B.

I urge the Commission to penalize Jeff Denham and the Denham for Congress campaign, since Denham's advertisements are in clear violation of FEC law.

Respectfully,



Shant Boyajian

Alexandria, VA 22314  
Complainant

Subscribed and sworn to before me this 30<sup>th</sup> day of April, 2010.



Theresa D. Thoman  
Notary Public, District of Columbia  
My Commission Expires June 30, 2014

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
2010 MAY -23 PM 3:45  
OFFICE OF GENERAL  
COUNSEL

**EXHIBIT A**

URL: <http://www.youtube.com/watch?v=NaDbPSAvKU>

**Legal violation of disclaimer at end of video**

**40 second mark**

10044280756

YouTube  Search Browse Upload

**"Bumper"**

DenhamForCongress 3 videos Subscribe

0:40 / 0:42

DenhamForCongress — April 28, 2010 — Bay Area Ex-Congressman Richard Pombo charged taxpayers for his family vacation. He even bragged about it on hi... 57 views

**41 second mark**

10044280759

⏮ ⏪ ⏩ ⏭ ⏮ ⏭ <http://www.youtube.com/watch?v=NbDp5AvkU>

YouTube

Search Browse Upload

"Bumper"

DenhamForCongress 3 videos  Subscribe



▶ 🔊 0:41 / 0:42



DenhamForCongress — April 28, 2010 — Bay Area Ex-Congressman Richard Pombo charged taxpayers for his family vacation. He even bragged about it on hi...

 57   
views

42 second mark (end of transmission)



<http://www.youtube.com/watch?v=NcDpSAvKU>

**You**Tube

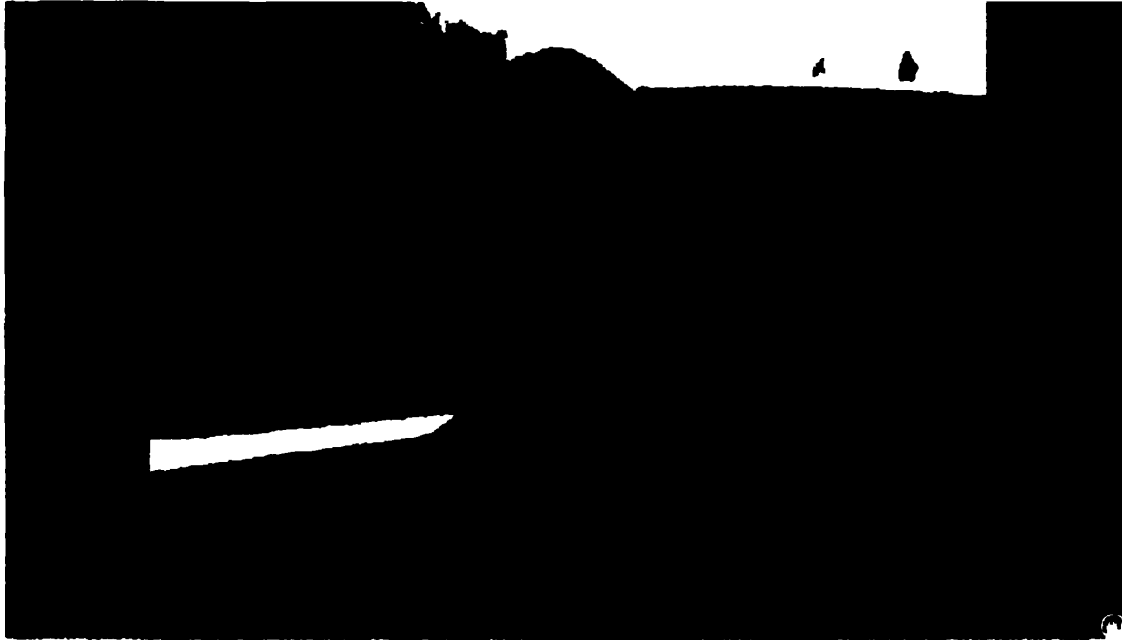
Search

Browse

Upload

**"Bumper"**

DenhamForCongress 3 videos [Subscribe](#)



▶ ◀ 0:42 / 0:42



DenhamForCongress — April 28, 2010 — Bay Area Ex-Congressman Richard Pombo charged taxpayers for his family vacation. He even bragged about it on hi...

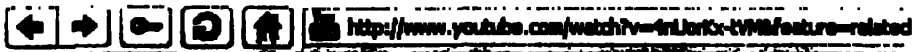
**57**   
views

URL: <http://www.youtube.com/watch?v=4nUorKx-tVM>

10044280760

Legal violation of disclaimer at end of video

40 second mark



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## Denham For Congress Ad Attacking Pombo's RV Use

jonfleischman 76 Videos Subscribe



▶ 🔊 0:40 / 0:42



jonfleischman — April 28, 2010 —

258   
views

41 second mark

10044280761



<http://www.youtube.com/watch?v=4nUjOx-tW8&feature=related>



Search

Browse

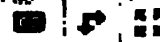
Upload

## Denham For Congress Ad Attacking Pombo's RV Use

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▶ 🔊 0:41 / 0:42



jenfleischman — April 28, 2010 —

258 views

42 second mark (end of transmission)

10044280762

⏮ ⏪ ⏩ ⏭ ⏴ ⏵ <http://www.youtube.com/watch?v=4nJjor1b-tVM&feature=related>

YouTube

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## Denham For Congress Ad Attacking Pombo's RV Use

jonfleischman 76 videos  [Subscribe](#)



▶ 🔊 0:42 / 0:42

jonfleischman — April 28, 2010 —

 **258**   
views

**EXHIBIT B**

URL: <http://www.youtube.com/watch?v=-NsDbPSAvKU>

URL: <http://www.youtube.com/watch?v=4nUorKx-tVM>

Lack of "clearly identifiable image": image of the candidate is not at least eighty (80) percent of the vertical screen height. Violations occur at both URLs listed above. Example of violation attached below:



**You Tube**

Search Browse Upload

**"Bumper"**

**DenhamForCongress** 3 videos [Subscribe](#)



**DenhamForCongress** — April 28, 2010 — Bay Area Ex-Congressman Richard Pombo charged taxpayers for his family vacation. He even bragged about it on hi...

**70** **views**

###

10044280764